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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,770	10/14/2003	Thomas W. Kampf	2316.1220USD1	6337
23552	7590	08/24/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			OMGBA, ESSAMA	
			ART UNIT	PAPER NUMBER
			3726	
DATE MAILED: 08/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,770

Applicant(s)

KAMPF ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henneberger et al. (US Patent 5,067,678) or Fox (US Patent 7,034,227).

Henneberger et al. discloses a method of assembling a cable routing system comprising providing a routing system comprising a base element 12 with a planar top surface, the top surface having linear mating edges on opposite sides of the planar top surface, each linear edge having a continuous cross-section along the length of each linear mating edge (col. 4, lines 6-9), a plurality of side elements mounted to the base elements along the linear mating edges, a first plurality of the side elements 14 having an upstanding wall portion extending to a vertical height above the planar top surface of the base elements (col. 4, lines 9-15), a second plurality of the side elements defining side exits extending transversely relative to the linear mating edges and generally parallel to the planar top surface such as downspouts and side exit elements, see column 5, lines 25-68 and column 6 and 7, the cable routing system suspended from a ceiling structure (col. 1, lines 12-25 and col. 4, lines 1-3). Likewise Fox discloses a method of assembling a cable routing system with base element 18, side elements 16 and a second plurality of side elements defining side exits and other connectors that

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may be required to run the cable routing system in any desired direction (col. 2, lines 31-34 and abstract). Although the elements of the cable routing systems of Henneberger et al. and Fox are integrally formed, it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the cable routing systems of Henneberger et al. and Fox in various elements since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. Applicant should note that forming the side elements 14 integrally with base element 12 as disclosed by Henneberger et al. or Fox appears to be an improvement in forming the base and side elements separately and subsequently mounting the side elements on the base elements since there is a reduction of steps and of the number of separated pieces to handle during the manufacturing process, thereby resulting in a simpler manufacturing process and improved efficiency. Furthermore although side elements are integrally formed with base element in the methods of Henneberger et al. and Fox, the side elements could be considered mounted on the base element as they are attached to the base element.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barybin et al. (SU 1272387).

Henneberger et al. discloses a method of assembling a cable routing system comprising providing a routing system comprising a base element 12 with a planar top surface, the top surface having linear mating edges on opposite sides of the planar top surface, each linear edge having a continuous cross-section along the length of each linear mating edge (col. 4, lines 6-9), a plurality of side elements mounted to the base

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elements along the linear mating edges, a first plurality of the side elements 14 having an upstanding wall portion extending to a vertical height above the planar top surface of the base elements (col. 4, lines 9-15), a second plurality of the side elements defining side exits extending transversely relative to the linear mating edges and generally parallel to the planar top surface such as downspouts and side exit elements, see column 5, lines 25-68 and column 6 and 7, the cable routing system suspended from a ceiling structure (col. 1, lines 12-25 and col. 4, lines 1-3). Likewise Fox discloses a method of assembling a cable routing system with base element 18, side elements 16 and a second plurality of side elements defining side exits and other connectors that may be required to run the cable routing system in any desired direction (col. 2, lines 31-34 and abstract). Although the elements of the cable routing systems of Henneberger et al. and Fox are integrally formed, it is known to form such elements of a cable routing system in various elements and assembling the elements to form the cable routing systems as attested by Barybin et al., see the provided English translation and the figures. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to construct the cable routing systems of Henneberger et al. and Fox in various elements and subsequently assemble the various elements to form the cable routing systems, in light of the teachings of Barybin et al., in order to provide disconnectable cable routing systems and enlarge the field of application of the cable routing systems.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Essama Omgba', written in a cursive style.

Essama Omgba
Primary Examiner
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eo
August 21, 2006